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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,218

10/23/2003

Dieter Rumpf

TRW(ASG)6802

8215

7590

05/06/2004

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EXAMINER

LEE, KYUNG S


ART UNIT

PAPER NUMBER

2832

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/692,218	<b>Applicant(s)</b> RUMPF, DIETER	
	<b>Examiner</b> Richard K. Lee	<b>Art Unit</b> 2832	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a carrier “adapted to be displaced...” It has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to do so. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wooldridge (4,518,836).

Wooldridge teaches a vehicle steering wheel comprising:

a first switch 20B (fig. 2) and a first actuating element 42B;

a second switch 20A and a second actuating element 42A;

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a carrier 24 “adapted to be displaced” by the second actuating element (displaced by force applied by the element 42A);

both the first and the second switches on the carrier 24 (fig. 2);

a base body 18;

carrier displaceable in an actuating direction (direction of force applied);

the first actuating element 42B being provided with a stop element 50 which abuts against the base body (see upper portion of fig. 2, by reference number 70) when the first actuating element actuates the first switch, and prevents displacement of the carrier (by 56) to prevent actuation of the second switch.

Regarding preventing actuation of the second switch, Wooldridge discloses that fixed fulcrum section (the stop element) of the actuator permits actuation of the first or the second switch (col. 7, line 1-5).

Regarding claim 2, the actuating elements are mounted inside the body 18 (see fig. 2).

Regarding claim 3, the first actuating element 42B is displaceably mounted relative to the carrier (see fig. 2).

Regarding claims 4 and 5, carrier 24 comprises of a circuit board (col. 4, line 48) and the first and the second switches are located on the upper and the lower side of the board, respectively (see fig. 2).

Regarding claim 7, Wooldridge discloses a multifunctional switch (see figs. 1 and 3).

Regarding claim 9, the stop element 50 is a projection constructed on the first actuating element (see fig. 2).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wooldridge in view of Suzuki et al. (5,627,352).

Wooldridge teaches the claim invention except for the stop element abutting a stop surface of a foamed casing. Suzuki et al. teaches a steering wheel having an actuating element 22 with a stop element (by reference number 27a) upon displacement abutting against the foam casing 21c for the purpose of providing limiting the travel distance of the actuating element.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the steering wheel device of Wooldridge with the teachings of Suzuki et al. for the purpose of limiting the travel distance of the actuating element.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wooldridge.

Wooldridge teaches the claimed invention except for the second switch being a horn switch. Wooldridge, however, discloses various uses for his switch device as shown in fig. 1. Further, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

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*Allowable Subject Matter*

8. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 10 recites, "the second actuating element is a floating horn gas bag module displaceably mounted in the vehicle steering wheel." Claim 11 recites, "the carrier is fastened to a lateral extension of the gas bag module." Claim 12 depends on claim 11. The above claimed structures are neither disclosed nor suggested by the prior art of record.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M-TU & TH-F 5:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard K. Lee  
Examiner  
Art Unit 2832

A handwritten signature in black ink, appearing to read 'Richard K. Lee', is written over the printed name and title.